

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADJUSTACAM LLC,

Plaintiff,

v.

AMAZON.COM, INC. et al.,

Defendants.

Civil Action No. 6:10-cv-329-LED

JURY TRIAL DEMANDED

**DEFENDANT TARGET CORPORATION'S NOTICE OF JOINDER IN
DEFENDANT WAL-MART STORES, INC.'S PARTIAL MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM**

Defendant Target Corporation ("Target") hereby joins Defendant Wal-Mart Stores, Inc.'s Partial Motion to Dismiss For Failure to State A Claim (Document 147), pursuant to Fed.R.Civ.P. 12(b)(6), and the arguments and authorities found therein.¹

Adjustacam LLC's ("Adjustacam") allegations of indirect infringement against Target are the same as those it has asserted against Wal-Mart Stores, Inc. ("Wal-Mart"), and are deficient for the same reasons set forth in Wal-Mart's Motion to Dismiss. (*Compare* First Amended Complaint for Patent Infringement, Document 111, at ¶¶ 184 (Target), 195 (Wal-Mart).) Because Adjustacam has not adequately pled the elements of inducing or contributory infringement, its indirect infringement claims against Target should be dismissed.

¹ Target also is concurrently filing its Answer to Adjustacam's First Amended Complaint for Patent Infringement.

DATED: September 3, 2010

Respectfully submitted,

/s/ Michael C. Smith

Michael C. Smith
Siebman, Burg, Phillips & Smith, LLP
113 East Austin Street
P.O. Box 1556
Marshall, Texas 75671-1556
(903) 938-8900 (office)
(972) 767-4620 (fax)
michaelsmith@siebman.com

OF COUNSEL:

R. David Donoghue
HOLLAND & KNIGHT LLP
131 South Dearborn Street, 30th floor
Chicago, IL 60603
Tel: (312) 263-3600
Fax: (312) 578-6666
david.donoghue@hklaw.com

Peter Sanborn
HOLLAND & KNIGHT LLP
10 St. James Ave.
Boston, MA 02116
Tel: (617) 523-2700
Fax: (617) 523-6850
peter.sanborn@hklaw.com

Attorneys for Target Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 3rd day of September, 2010. Any other counsel of record will be served by facsimile transmission or first-class mail on this same date.

s/ Michael C. Smith
Michael C. Smith